

REMARKS

1. Claim Rejections – 35 U.S.C. § 101 – claims 1, 3, 13, 15-18, 20, 23-24, 29, 33, 36, 39, 41, 43, and 45

The Examiner rejected claims 1, 3, 13, 15-18, 20, 23-24, 29, 33, 36, 39, 41, 43, and 45 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Applicants respectfully traverse the rejection. In particular, the Examiner asserted that the claims yield no real world tangible result. More specifically, the Examiner characterized the claims as follows:

“A methodology that simply recites the ability of the computing device to provide the passing of information to allow for the wagering of partial and full credits are as currently recited taking place within the confines of the computing device and fail to interact with the user in a tangible fashion in which the user is able to realize the result of the methodology performed.”

(Office Action, p. 2, ll. 19-24).

In contrast to the Examiner’s interpretation, independent claim 1 is results oriented such that a player can (1) “set any denomination for wagering, wherein the denomination is not a standard currency denomination,” and (2) “select a quantity of credits to wager based on the denomination value.” In this sense, the player selects a base wagering denomination that the player is comfortable with and can then wager all increments of their funds leaving no residual change. This utility is disclosed in the Specification at least at p. 15, ll. 8-20:

All of the game player’s credits may be wagered according to the player’s choice. The game player may wager credits with the present invention that were not previously available, such as \$0.17, \$0.0055 or \$12.18. The player may also elect to “let it ride” and play all the credits allocated to the player. The gaming system and method of the present invention allows the player a more flexible way of playing a game that adds to the enjoyment and excitement of playing the game.

Pay tables for the game may be scaled according to a player’s selected wager amount. Pay tables and awards may additionally be fixed or mapped according to the user selected base wagering denomination or the predetermined base wagering denomination thresholds or amounts, and may further be scaled within each

wager threshold. If desired, prizes may be presented as a multiple of credits. For example, payouts could be presented as 1.5 times a credit value. This flexibility of payout possibilities allows a game designer to provide more interesting pay arrangements, particularly since the fractionally amounts won may be wagered.

Therefore, the claimed elements at issue provide the player with the tangible, useful results of inputting a base wagering denomination that the player can be comfortable with, wherein the player can establish denominations that are not standard currency denominations. The Applicants note that independent claims 20, 33, and 41 recite similar claim elements as claim 1. The Applicants further note that claims 3, 9, 10, 11, 13, 15-18, 23, 24, 29, 30, 36, 39, 40, 43, 45, and 46 are dependent claims that depend from claims 1, 20, 33, and 41, respectively. As such, the Applicants respectfully request that the Examiner withdraw the rejection.

2. Claim Rejections – 35 U.S.C. § 112 ¶ 2 – claims 1, 3, 9-11, 13, 15-18, 20, 23-24, 29, 33, 36, 40-41, 43, and 45-46

The Examiner rejected claims 1, 3, 9-11, 13, 15-18, 20, 23-24, 29, 33, 36, 40-41, 43, and 45-46 under 35 U.S.C. § 112 ¶ 2 as being indefinite. The Applicants respectfully traverse the rejection. Specifically, the Examiner asserted that the limitation “wherein the denomination is not a predetermined standard denomination” is indefinite. As such, independent claims 1, 20, 33, and 41 have been amended to clarify the claimed subject matter. In particular, the claim element “wherein the denomination is not a predetermined standard denomination” has been modified to “wherein the denomination is not a standard currency denomination.” The term “standard currency denomination” is supported in the Specification at least at p. 2, l. 17. As such, the Applicants respectfully submit that the rejection for claims 1, 20, 33, and 41 has been overcome. Accordingly, the Applicants respectfully submit that the § 112 rejections to claims 3, 9, 10, 11, 13, 15-18, 23, 24, 29, 30, 36, 39, 40, 43, 45, and 46, which depend from claims 1, 20, 33, and 41, respectively, have also been overcome.

3. Claim Rejections – 35 U.S.C. § 103(a) – claims 1, 3, 9-11, 13, 17-18, 20, 29-30, 33, 39-41, and 45-46

The Examiner rejected claims 1, 3, 9-11, 13, 17-18, 20, 29-30, 33, 39-41, and 45-46 under 35 U.S.C. § 103(a) as being obvious over Wilms in view of Congello, further in view of Rowe, and further view of Walker. The Applicants respectfully traverse the rejection. Claim 1 recites the following elements that are not obvious to one of ordinary skill in the gaming arts: “allowing the player to input a denomination for wagering, wherein the denomination is not a standard currency denomination.”

The Examiner relied on Congello as teaching the player’s input of a non-standard currency denomination (Office action, p. 10, l. 15 – p. 11, l. 2). However, Congello merely discloses automated conversion of change due from a purchase transaction applied to the fractional denomination share of a lottery ticket. In other words, Congello’s fractional denomination share is determined automatically by a computer. Congello’s teaching is not the same as a human input of a non-standard currency denomination. Therefore, the Applicants respectfully submit that claim 1 is not obvious over Wilms in view of Congello, further in view of Rowe, and further view of Walker.

The Applicants note that independent claims 20, 33, and 41 recite similar claim elements as claim 1. The Applicants further note that claims 3, 9-11, 13, 17-18, 29-30, 39-40, and 45-46 are dependent claims that depend from independent claims 1, 20, 33, and 41, respectively. In light of the arguments submitted in Section 3 of this response, the Applicants respectfully submit that claims 3, 9-11, 13, 17-18, 20, 29-30, 33, 39-41, and 45-46 are not obvious in view of the combination of Wilms, Congello, Rowe, and Walker because these references, alone or in combination, fail to teach or suggest all the claimed elements. Moreover, these claims further recite and define the claimed invention, and thus, are independently patentable. In conclusion, the Applicants respectfully submit that the 35 U.S.C. §103(a) rejection of claims 1, 3, 9-11, 13, 17-18, 20, 29-30, 33, 39-41, and 45-46 have been overcome.

4. Claim Rejections – 35 U.S.C. § 103(a) – claims 15-16, 23-24, 36, and 43

The Examiner rejected claims 15-16, 23-24, 36, and 43 under 35 U.S.C. § 103(a) as being obvious over Wilms in view of Congello, further in view of Rowe, further in view of Walker, and further in view of Skratulia. The Applicants respectfully traverse the rejection.

The Applicants note that claims 15-16, 23-24, 36, and 43 are dependent claims that depend from independent claims 1, 20, 33, and 41, respectively. In light of the arguments submitted in Section 3 of this response, the Applicants respectfully submit that dependent claims 15-16, 23-24, 36, and 43 are not obvious in view of the combination of Wilms, Congello, Rowe, and Walker because these references, alone or in combination, fail to teach or suggest all the claimed elements. Further, Skratulia does not disclose anything that overcomes the shortcomings of Wilms, Congello, Rowe, and Walker. Moreover, these dependent claims further recite and define the claimed invention, and thus, are independently patentable. Therefore, the Applicants respectfully submit that the 35 U.S.C. §103(a) rejection of claims 15-16, 23-24, 36, and 43 have been overcome.

CONCLUSION

The Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of all of claims 1, 3, 9-11, 13, 15-18, 20, 23, 24, 29, 33, 36, 40, 41, 43, and 45-48 is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

The Commissioner is hereby authorized to charge the fees indicated in the Fee Transmittal, any additional fee(s) or underpayment of fee(s) under 37 C.F.R. §§ 1.16 and 1.17, or to credit any overpayments, to Deposit Account No. 194293, Deposit Account Name Steptoe & Johnson llp.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 734-3200. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,



Date: October 25, 2007

Joel G. Landau
Reg. No. 54,732
STEPTOE & JOHNSON LLP
2121 Avenue of the Stars
Suite 2800
Los Angeles, CA 90067
Tel 310.734.3200
Fax 310.734.3300